

Eastbourne Borough Council

Decision Notice

Licensing Act Sub-Committee held on Wednesday 11 October 2017

Premises Licence Holder/Designated Premises Supervisor:	Khaled Khei
Premises:	Pizza Hot 4 You, 2 Susans Road
Reasons for Hearing:	Relevant representation received from interested parties under the prevention of public nuisance (noise) and the prevention of crime and disorder licensing objectives.
Parties in attendance:	<p>Councillors: Troy Tester (Chairman) Colin Belsey Stephen Holt</p> <p>Licensing Authority: Murrae Hume (Specialist Advisor - Licensing)</p> <p>Legal Advisor: Michele Wilkinson (Lawyer)</p> <p>Democratic Services: Simon Russell (Cabinet Officer)</p> <p>Applicant: Khaled Khei Stewart Gibson (Licensing Agent)</p> <p>Interested Parties: Kate Barella</p>
Decision made:	That the application is rejected.
Reasons for Decision:	<p>The hearing concerned a variation of the premises licence at Pizza Hot 4 You.</p> <p>The applicant applied at the hearing for a variation to the licensing hours, in relation to late night refreshments, to allow for 7 days a week, a licence from 23:00 hours to 03:15 hours. The current licensable hours are Sunday to Thursday from 23:00 hours to 23:30 hours and on Friday and Saturday from 23:00 hours to 01:00 hours.</p>

	<p>In discharging its functions, the Sub-Committee considered the promotion of the relevant licensing objectives, the Council's own Licensing Policy, the Home Office guidance and the rules of natural justice.</p> <p>As a result of the consultation process, three representations were received. The Sub-Committee gave due regard to the written and oral representations received from Kate Barella. Due regard was also given to the written representations of Amanda Dalessi and Hedleigh Emberson.</p> <p>The representations were that increasing the licensable hours for the provision of the late night refreshments would lead to problems with the public nuisance and the prevention of crime and disorder licensing objectives.</p> <p>The Sub-Committee noted that the premises are within the Cumulative Impact Zone.</p> <p>The Sub-Committee considered the variation application and the oral representations made by the applicant's representative, Stewart Gibson at the hearing.</p> <p>The Sub-Committee noted that no responsible authorities had made any representations, although Sussex Police had mediated with the applicant a number of conditions and a reduction in the licensable hours applied for, which were outlined at Appendix 4.</p> <p>In its deliberations the Sub-Committee considered what decision would be appropriate and proportionate from the options outlined in paragraph 9.2 of the report.</p> <p>The Sub-Committee resolved to reject the application.</p> <p>The Sub-Committee took into account of the fact that the premises were in the cumulative impact zone. They considered that the variation application to 03:15 hours would add to the cumulative impact and that the applicant had not demonstrated that there would be no effect and therefore the presumption arising from the cumulative impact policy had not been rebutted.</p> <p>The Sub-Committee considered that the application would undermine two of the licensing objectives (the prevention of public nuisance (noise) and the prevention of crime and disorder) and the conditions offered were not deemed sufficient to address these concerns.</p>
Date of Decision:	11 October 2017
Date decision notice issued:	17 October 2017

A written or electronic copy of this Notice will be publicly available to all Parties and published on the Council's website.

RIGHT OF APPEAL

The Licensing Act provides a right appeal to the Magistrates Court in respect of an application for a variation of a premises licence. An appeal must be commenced by notice of appeal being given by the appellant to the Magistrates Court within a period of 21 days beginning on the date the appellant was notified in writing of the decision of the Licensing Act Sub-Committee.